? Approved for Filing: PO ? ? 01-19-01 4:24 PM ?

| 1  | MINIMUM WAGE APPLICABILITY   |
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| 2  | 2001 GENERAL SESSION   |
| 3  | STATE OF UTAH  |
| 4  | Sponsor: Howard A. Stephenson  |
| 5  | This act modifies the Utah Minimum Wage Act to prohibit cities, towns, and counties from         |
| 6  | establishing a minimum wage rate that exceeds the federal minimum wage rate. The act             |
| 7  | prohibits cities, towns, and counties from requiring that a person contracting with the city,    |
| 8  | town, or county pay its employees a minimum wage that exceeds the federal minimum wage.          |
| 9  | This act affects sections of Utah Code Annotated 1953 as follows:                                |
| 10 | ENACTS:  |
| 11 | <b>34-30-106</b> , Utah Code Annotated 1953  |
| 12 | Be it enacted by the Legislature of the state of Utah:   |
| 13 | Section 1. Section <b>34-30-106</b> is enacted to read:  |
| 14 | 34-30-106. Cities, towns, or counties.   |
| 15 | (1) A city, town, or county may not establish, mandate, or require a minimum wage that           |
| 16 | exceeds the federal minimum wage as provided in 29 U.S.C. Sec. 201 et seq., Fair Labor Standards |
| 17 | Act of 1938.   |
| 18 | (2) (a) A city, town, or county may not require that a person who contracts with the city,       |
| 19 | town, or county pay that person's employees a wage that exceeds the federal minimum wage as      |
| 20 | provided in 29 U.S.C. Sec. 201 et seq., Fair Labor Standards Act of 1938.                        |
| 21 | (b) Subsection (2)(a) does not apply when federal law requires the payment of a prevailing       |
| 22 | or minimum wage to persons working on projects funded in whole or in part by federal funds.      |
| 23 | (c) Subsection (2)(a) applies to contracts executed on or after April 30, 2001.                  |

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## Legislative Review Note as of 1-19-01 10:19 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel